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ABSTRACT

With the growing number of counselors working outside of school settings, licensure of mental health counselors has become an important issue. A main problem facing counselors is the lack of a clear identity. Licensure would lead to increased professionalism and identification. Licensure is authorized by the state legislature, regulating the practice of the profession. Although model legislation has been developed, enactment of laws has been hampered by vested interest groups. To date, five states have passed counselor licensure acts, 20 states have drafted bills, and 40 states have licensure committees. The advantages of licensure include consumer protection, professional identity, and competency. The disadvantages include the perpetuation of professional snobbery and limitations in professional membership. Counselors' attitudes toward licensure seem to be overwhelmingly supportive, as determined by a survey in Oregon, in which 85% of the counselors felt licensure was important. Educational requirements supported by counselors include a Master's degree or higher, supervision requirements, and continuing education. School counselors strongly support licensure and the development of a national registry of school counselors. (BL)

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THE LICENSURE OF MENTAL HEALTH COUNSELORS

by

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The Licensure of Mental Health Counselors

A grass roots political movement to license mental health counselors is currently a very important issue to those in the counseling profession. Many issues come alive when discussing this very popular issue of licensure for those in the helping professions. Before opening this Pandora's Box, maybe it would be beneficial to clarify the purpose of the counseling profession in order to keep the true point of counseling in mind throughout this paper. In my search through the literature, the following definition by Jerald Forster (1977) seemed the most appropriate.

> "Counseling is a profession whose primary purpose is the facilitation of individual development. Counseling attempts to give away its methods and skills to the bulk of the population - normal persons - rather than making access costly and difficult for that fragment of the population labeled sick or abnormal." (p.83)

The 1970's were characterized by a rapidly rising interest in the licensing of counselors which led to the enactment of counselor legislation in Virginia, Arkansas, Alabama, Texas and Florida by 1982. Changing counselor supply and demand characteristics promised that the licensing issue would be a priority issue of the 1980's. Counselor education grew in the 1960's as a result of a higher demand for counselors in the public schools. Shrinking employment opportunities in the 1970's and an increase in demand for nonschool counselors led counselors outside the school environment. (Wayne,1982)

The issue of licensing has emerged with greater impact in recent years due primarily to the fact that counselors outside of the public school situation have lacked the means of establishing public recognition. (Shertzer & Stone, 1981) One problem is that the counseling profession

currently lacks one uniform effective credential ing process resulting in the restriction of practioners from practicing their profession. This problem of credential ing needs some clarification of terms related to the credential ing process. As the range of counseling services has expanded to fit a diversity of clientele in a wide range of settings, greater overlap with other social service professions has occurred. It has become difficult to distinguish between professionals in closely related disciplines like psychologists, social workers, and school counselors. (Forster, 1977)

The expansion of credential ing practices by various professional groups, will have direct results on employment practices, preparation institutions, and the types of social services offered to all types of people. (Forster, 1977)

One main problem facing those in the counseling profession is their fuzziness of identity. This lack of identification by counselors with their profession is not a new issue. Twenty years ago, Buford Stefflre (1964) in his discussion of professionalization, commented on the counselors lack of identity. He added that one of the processes necessary in identifying with an occupation is the acceptance of the name of the occupation as a part of the self-concept of the worker. There is little agreement on what counselors should call themselves and some labels are more prestigious than others. Stefflre concluded that this was important since the self-concept influences behavior through internalization of motives. In other words, we act differently according to the label we wear. This phenonema occurs at all levels and people are more likely to perform professionally when their name

connotes an accurate picture of what they do. (Stefflre, 1964)

In this debate on the need for licensure as a necessary instrument for professionalization, Sander, Bassoff, and Roark (1983) see the issue as a further motivation for counselors to define themselves.

> "The national debate on licensure, though characterized by internecine squabbles, does, nevertheless provide an impetus to define ourselves and our colleagues in related fields who we are and what we do to determine the kinds of training we need to do, and to differentiate our functions from those of other professional helpers. (p. 26)

When we look at other professions which have achieved professional recognition, we need to notice how they achieved their authority. Over 100 years ago, physicians saw the need for state governments to engage in the regulation of medical practices. Effective restriction of entry into the occupation directly contributed to medicine and psychology in their enduring rise in status. (Gross, 1978) Counseling seems to be following the course of medicine and psychology in its aspiration to the authority of licensure.

Jannar W. Davis describes the evolution of an occupation to a profession below:

> "Licensing marks the evolution of counseling from an occupation, a varied collective of practioners with many common interests and skills, to a profession." (p.83)

There is a pressing need for counselors to present themselves as professionals who possess a well-defined body of knowledge and provide ethical and legitimate services. (Sander, Bassoff & Roark, 1983)

For the remainder of this paper, I would like to further address three questions in respect to the licensure issue.

---What do we know about already existing licensure and regulation?

---What does the literature say about possible advantages and disadvantages of the licensure of counselors?

---What is the prevailing attitude among counselors themselves?

1. What do we know about already existing licensure and regulation?

First of all, it is necessary to point out that there is a difference between credential ing and licensing. Licensure is a process authorized by state legislation, regulating the practice and/or the title of the profession. Because of its regulation of practice, violators are subject to greater legal sanctions than certification which grants the use of the title. (Shertzer & Stone, 1980)

Although model legislation to establish state counselor laws has been formulated and presented by the APGA Licensure Commission (APGA Licensure Commission, 1977), getting a law enacted has been made even more demanding because of the opposition of psychologists and others with vested interests to protect.

This dispute was made evident in two specific court battles-in Weldon v. Virginia State Board of Psychologists' Examiners (1972), the district judge ruled that counseling and guidance was a separate profession from psychology. In Ohio State Board of Psychology v. Cook (1975), a judge reaffirmed the rights of competent counselors and dismissed charges of a psychology board against an unlicensed psychologist.(American Personnal & Guidance Association, 1977)

After the passage of counselor licensure acts in five states, 20 other states have written draft bills and over 40 states have their own licensure committee. (Swanson, 1981)

In 1977, the Health, Education, and Welfare report on the credentialling of manpower (Cottingham & Warner, 1978) suggested alternatives to licensure. The National Academy of Certified Mental Health Counselors uses a national examination to certify professional counselors. Certification is voluntary so no counselor is forced to seek credential ing through the sometimes arbitrary state licensing structure. Certification does not restrict the scopes of practice and serves to provide positive information about counselors who have met certification standards . While it does not prohibit others who have not sought certification, it allows counselors the freedom to practice as qualified, recognized mental health care providers. (Davis, 1981). It seems that this issue of credential ing is an excellent compromise between licensure and non-licensure. Credential ing via certification would give counselors and their clients protection and provide counselors with the kind of professional recognition they need. In the following discussion of the pros and cons of licensure, I will use the word licensure as synonymous with certification as described above when discussing my stand on the licensure issue.

2. <u>What does the literature say about possible advantages and disadvantages of the licensure of counselors</u>?

Stanley Gross (1978) charged that licensing is misleading and that it promises, but does not, work in the public interest. He believes that licensing merely protects the vested interest of professionals and it

> "produces an insideous effect by creating a dependency on professionals, thus reducing the ability of people to care for themselves." (p. 1009)

This comment seems backwards in that some of us believe the client's needs lead to the development of professional helpers rather than the professionals leading to the client's needs.

One of the main advantages of licensing is that is would help protect the public from persons who operate beyond the bounds of responsible practice. (Sweeney and Sturdevant, 1974) Sweeney and Whitman (1977) have concluded that counselors are being discriminated against in a manner that deprives the public of services it needs. (p. 589)

However, Koocher (1979) feels that licensure does not necessarily protect the public. He maintains that there is little or no data confirming that current licensure regulations prevent abuse or assure professional competence. Bernstein and Lecomte (1981) also suggest that licensing in its present form does not necessarily protect client welfare. They point to deterioration effects and an increasing number of malpractice suits as evidence of this. However, one can take an increase in malpractice to mean that clients are more aware of standards and ethics of practice due to the availability of licensure and credentialing.

One danger of licensing lies in assuming that constant upgrading of a profession reflects unselfish motivation by counselors. Stefflre (1964) warns against licensure purely as a means to perpetuate professional snobbery by:

> "engaging in a kind of academic feather bedding that permits us to ask for more money, prestige, and protection than we otherwise could have." (p. 23)

Many opponents see this issue of licensure as a means to a snobbery at the client's expense. However, purposely sharing skills and knowledge

by a number of licensed counselors is more helpful to society than the hoarding of skills by psychologists to inflate their own professional worth as it has traditionally been the case. (Davis, 1981) Upgrading the profession would simply create a greater number of qualified counselors. There will always be those who are suspicious of professional motives. My position here is that when we look around our society at those who have prestige and those who have not (with the exception of the medical profession), the helping professions are usually way below industrial related professions and there seems to be justification for changing this around.

Some believe that licensure of counselors and increasing academic requirements will curtail the number of counselors available. (Shertzer and Stone, 1980) A look at the current employment situation suggests that this probably will not be a problem. There are certain legal and financial benefits of licensure for the client as well as the counselor that would make services more available to more people. One advantage is that licensure would protect the public's right to be served by, and be free to chose, qualified professionals. Current "third party payment" policy usually demands licensure as psychologists as a prerequisite for insurance company reimbursements. This deprives the poorer clientele of their freedom to choose among qualified counselors since they are prevented from seeing unlicensed counselors. (Shertzer and Stone, 1980). The Licensure Committee (1980) stated that licensure would provide options for private practice, third party payments and expanded employment opportunities.

Bergin and Lambert (1978) have shown the effectiveness of uninformed nonprofessionals in promoting client improvement and believe that licensing

criteria does not directly relate to client outcomes. They have stated that there are no data to support the predictive validity of licensure measures as related to client outcomes. My argument for this is that in our highly specialized society, there are many people who may do well in a profession they have not been trained ~~in~~ but this cannot justify uncurtailed entry into the helping professions. There are "born teachers", but most of us agree that educational standards and training are reassuring to the public.

Another argument Bernstein and Lecomte have against licensing is that licensure does not insure continuing competence. However, as far as I can tell, nothing can insure continuing competence in an undedicated pratitioner. However, we must assume that most professionals conscientious enough to earn a Master's Plus are interested in becoming increasingly competent.

3. What is the prevailing attitude among counselors themselves?

One can only speculate when it comes to discussing attitudes on a nationwide basis. However, in a statewide survey by the Oregon Licensure Committee of the Oregon Personnel and Guidance Association, it was indicated that there is strong support for licensure of counseling professionals. (Swanson, 1981) 85% of the responding counselors in this survey of Oregon counselors felt that helping professionals should be able to become licensed whether or not they were trained in university departments of psychology. In addition, the survey supported "Master's Plus" degree requirements, supervision requirements, and continuing education requirements to be included in a counselor licensure bill. School counselors were among licensures strongest supporters and 75% favored a national registry of qualified counselors. It is interesting to note that when Oregon counselors

were questioned concerning the most preferred title, the majority wished to be called "counselors", with "school counselors", and "counseling psychologists" taking second and third places. It would be interesting to see similar surveys from other states and determine what the counselors themselves would like to do about the issue of licensure.

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